Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)

[or Superfund Amendments and Reauthorization Act of 1986 (SARA Title III)]

EPCRA [40 CFR 355] is a federal law, enforced by the federal Environmental Protection Agency, managed by the state emergency response commission (SERC) and local emergency planning committees (LEPC) (http://www.scemd.org/Library/lepc/duties.pdf). EPCRA applies to storage and handling of hazardous materials (chemicals). EPCRA requires that facilities report storage of certain chemicals above a certain amount to the state and local authorities. This law is called both "EPCRA" and "SARA Title III". In this section, it will be referred to as "EPCRA."

The principal reason for EPCRA is to provide planners, responders, and citizens with information on the manufacture, use, and environmental release of potentially toxic chemicals in their communities.

EPCRA has four major sections that require reporting to state and local authorities:

- Hazardous chemical storage reporting, or the "community right-to-know" requirements (Sections 311-312)
- Emergency planning (Section 301-303)
- Emergency release notification (Section 304)
- Toxic chemical release inventory (Section 313)

This section provides a summary of EPCRA and is designed to guide you to determine whether you might be required to comply.

Reporting Hazardous Chemicals (EPCRA Section 311-312, or "Community Right-To-Know Requirements")

EPCRA Section 311—List of Chemicals Form

The Occupational Safety and Health Administration (OSHA) requires employers to keep copies of Material Safety Data Sheets (MSDS) for each hazardous chemical available for employees. Distributors are required to provide MSDSs for hazardous substances [29 CFR 1910.1200].

You must complete a "Section 311—List of Chemicals Form" if you have chemicals on site that are required under OSHA to have MSDSs and you meet one of the following two conditions:

1. You store one or more substance listed as an "extremely hazardous substance" in quantities equal to or greater than the listed "threshold planning quantity" or 500 lbs., whichever is less [The list of extremely hazardous substances and their threshold planning quantities is available in 40 CFR 355.30e(2)(1) or through the EPA website listed in the box below.]

OR

2. You store 10,000 pounds or more of any hazardous substance requiring a MSDS.

EPCRA Section 312 – Annual Tier II Reporting

If you are subject to the Section 311 reporting requirements described above, you must also submit an annual "Tier II Emergency and Hazardous Chemical Inventory" form. The "Tier II Emergency and Hazardous Chemical Inventory" form requires you to inventory your facility's hazardous chemicals and identify their storage locations.

You must submit a completed Tier II report to the SERC, *AND* the LEPC, *AND* your local fire department each year by March 1.

What are marinas likely to report under the Section 311 and Tier II reporting requirements?

You must report storage of gasoline, diesel fuel, propane or fuel oil (all of which require MSDSs) in excess of 10,000 pounds. This does not include the fuel in boats dockside. Gasoline weighs roughly 6.19 pounds per gallon, diesel weighs roughly 7.05 pounds per gallon, and propane weighs roughly 4.23 pounds per gallon at 60 degrees Fahrenheit.

You must also report the sulfuric acid in lead acid batteries in excess of 500 pounds. The average small boat battery contains approximately 5 pounds of sulfuric acid. You must also report the lead in lead acid batteries in excess of 10,000 pounds. The average small boat battery contains approximately 30 to 40 pounds of lead per battery. (Note that this reporting requirement applies to the batteries that you store before or after use on your facility, but not the ones that boaters can physically move on and off their boats.)

Reporting Storage of Extremely Hazardous Substances

(EPCRA Section 302)

Section 302—Emergency Planning Notification Form

If you store any of 356 listed "extremely hazardous substances" in excess of the listed Threshold Planning Quantity, you are required to complete a "Section 302-Emergency Planning Notification Form" and submit it to the SERC *AND* the LEPC within 60 days of when the substance becomes present at the facility. (http://www.scdhec.gov/eqc/baq/html/eqcepcra.html)

If you are required to file a "Section 302-Emergency Planning Notification Form," you must also designate a facility emergency coordinator who will be the emergency contact person for your facility.

What are marinas likely to report under the Section 302 reporting requirements?

You must also report the sulfuric acid in lead acid batteries in excess of 1,000 pounds. The average small boat battery contains approximately 5 pounds of sulfuric acid. The management and disposal of lead acid batteries is covered by DHEC R.61-79.273 (Universal Waste Rule) and R.61-79.266.80 (spent lead acid batteries that are reclaimed.).

In the unlikely event that you store chlorine in liquid or granular form (not tablets or powder), you must report storage of 100 pounds or more.

Accidental Release Notification (EPCRA Section 304)

If a spilled substance is a listed "extremely hazardous substance" or a Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) listed "hazardous substance released in amounts greater than the listed Reportable Quantity", then you must notify the SERC by calling (888) 481-0125, *AND* your LEPC, *AND* the National Response Center at (800) 424-8802.

Under EPCRA, you are *not* required to report a chemical spill to the federal government above the Reportable Quantity if the release:

- Does not affect persons off-property;
- Is federally permitted;
- Is a continuous release, except when statistically significant;
- Is of certain nuclear material;
- Results from pesticide or fertilizer applications; and
- Is petroleum, unless "extremely hazardous substance" present. (Note: this does not exempt you from reporting an oil spill to state and federal authorities as described in Appendix E.)

Initial notification can be made by telephone, radio, or in person. Emergency notification requirements involving transportation incidents can be met by dialing 911, or in the absence of a 911 emergency number, calling the operator. This emergency notification needs to include:

- The chemical name;
- An indication of whether the substance is extremely hazardous;
- An estimate of the quantity released into the environment;
- The time and duration of the release;
- Whether the release occurred into air, water, and/or land;
- Any known or anticipated acute or chronic health risks associated with the emergency and, where necessary, advice regarding medical attention for exposed individuals;
- Proper precautions, such as evacuation or sheltering in place; and
- Name and telephone number of contact person.

The facility owner or operator is also required to provide a written follow-up emergency notice as soon as practicable after the release. The follow-up notice or notices must:

- Update information included in the initial notice, and
- Provide information on actual response actions taken and advice regarding medical attention necessary for exposed individuals.

NOTE: If you are unsure about whether to report a chemical spill to the National Response Center, it is better to report than not. Not reporting can result in a costly error.

Toxic Release Inventory (EPCRA Section 313)

Toxic Chemical Release Inventory Form

While it is unlikely that any marina in South Carolina will be subject to these reporting requirements, EPCRA Section 313 (commonly referred to as the Toxics Release Inventory or TRI) requires certain facilities to complete a Toxic Chemical Release Inventory Form annually for specified chemicals.

You are required to submit a "Toxic Chemical Release Inventory Form" each year by July 1 to the US-EPA's EPCRA Reporting Center (address below) and the SC SERC for each potentially toxic chemical that is stored in quantities above a certain amount if your facility:

1. Is classified in major group 37 under Standard Industrial Classification code (primary classification), AND
2. Has 10 or more full-time employees, AND
3. Stores, uses, or otherwise processes a toxic chemical in an amount above the listed threshold quantity.

If your facility meets these three criteria, you must file a Toxic Chemical Release Inventory Form, either a "Form R" or "Form A," annually by July 1 for each toxic chemical. The reports must be sent to the SERC and EPCRA Reporting Center:

EPCRA Reporting Center
P.O. Box 3348
Merrifield, VA 22116-3348
ATTN: Toxic Chemical Release Inventory.

DHEC
EPCRA Reporting Point
2600 Bull Street
Columbia, S.C. 29201
Telephone: 803-898-3894

Copies of both forms can be obtained by calling the EPCRA hotline at (800) 424-9346, or at http://www.epa.gov/tri

FOR MORE INFORMATION...

Contact the Emergency Planning and Community Right-to-Know Information Hotline at (800) 424-9346 or TDD (800) 535-7672. Monday through Friday, 9:00 am to 6:00 pm, Eastern Standard Time.

Or visit:
http://www.epa.gov/ceppo, or
http://yosemite.epa.gov/oswer/CeppoWeb.nsf/content/EPCRA.htm?OpenDocument

Preferred Disposal Options for Potential Hazardous Waste Streams

WASTE	PREFERRED DISPOSAL OPTIONS If multiple options are listed, the first option (**boldfaced**) is the preferred method.
Aerosol Cans	♦ Aerosol cans should be punctured in a safety device: o Collect the residue; manage as potentially hazardous waste. o Punctured empty cans may be recycled under the scrap metal exemption (if your scrap recycler takes them). ♦ Un-punctured cans are considered reactive waste and therefore should be disposed of as hazardous waste.
Antifreeze: ♦ Propylene glycol (usually pink) ♦ Ethylene glycol (usually green) Contact your waste hauler to confirm that they will accept mixed antifreeze.	♦ Recycle ♦ Hire a waste hauler to collect and dispose. ♦ Purchase an on-site recovery unit. Distillation systems are more expensive than filtration systems but are more efficient at renewing used antifreeze.
Batteries - Lead (encourage the use of maintenance free batteries)	♦ Recycle. Store on an impervious surface, under cover. Protect from the rain. Check frequently for leakage. ♦ Automotive batteries are exempt if recycled. ♦ Other batteries should be labeled as universal waste. ♦ If not recycled, batteries containing acid and heavy metals are hazardous waste.
Containers • Paint cans • Buckets • Spent caulking tubes	♦ Cans may be put in trash can as long as: o All material that can be removed has been. (For example, in a 55-gallon drum, no more than 1" of residue remains on the bottom or inner liner.) o Containers that held compressed gas are at atmospheric pressure. o Containers that held acute hazardous waste have been triple rinsed with the appropriate (as listed on the container) solvent. Properly dispose of the solvent.
Flares – Expired Distress Signals	♦ Encourage boaters to keep onboard as extras. ♦ Store in well marked, fire safe container. Use expired flares to demonstrate to boaters how they are used. Be sure to notify the Coast Guard and fire department ahead of time. ♦ Encourage boaters to bring flares to a local fire department or household hazardous waste collection program. If disposed of, the flares are hazardous waste.
Gasoline - Stale	♦ Add stabilizer in the winter to prevent gasoline from becoming stale, or add octane booster in the spring to rejuvenate it. Use the fuel. ♦ Mix with fresh fuel and use. ♦ Transport as non-hazardous waste if picked by a fuel blender to be used as fuel. ♦ Hire a hazardous waste hauler to collect and dispose of it.

Glue and Liquid Adhesives	♦ Catalyze and dispose of as solid waste.
Kerosene	♦ Filter and reuse for as long as possible, then recycle.
Light Bulbs • Fluorescent bulbs • Mercury vapor lamps • High-pressure sodium vapor lamps • Low-pressure sodium vapor lamps • Metal halide lamps	♦ Recycle if you have more than a few. ♦ These are considered universal waste if recycled. Label as universal waste and insure that light tubes do not break. If not recycled, these materials may be hazardous waste
Mineral Spirits	♦ Filter and reuse. (DO NOT add to used oil to be burned in space heaters) ♦ If reuse not possible, then dispose of as hazardous waste
Oil – Non-terneplated Filters	♦ Puncture and completely hot drain for at least 24 hours. Recycle the oil and the metal canister. ♦ If you do not recycle the canister, double-bag it in plastic and place it in your regular trash.
Oil – Quart Cans	♦ Drain completely and dispose in regular trash. They cannot be recycled.
Oil – Terneplated Filters (used in heavy equipment and heavy-duty trucks)	♦ Dispose of as hazardous waste (contains lead).
Oil – Used Absorbent Material	♦ If oil and diesel is adequately absorbed, discard in trash. ♦ If it is saturated with gasoline, allow it to air dry and reuse.
Oil – Waste Oil: ♦ Engine oil ♦ Transmission fluid ♦ Hydraulic oil ♦ Gear oil ♦ #2 Diesel ♦ Kerosene	♦ Recycle with a registered used oil transporter. ♦ Use waste oil for space heating in approved used oil burner ♦ Take small quantities to household hazardous waste/CEG collection events. ♦ Contact your waste hauler to confirm that they will accept mixed oil.
Paint Brushes	♦ Allow to dry completely. Dispose in regular trash or, if paint contains heavy metals above regulatory levels, treat as hazardous waste.
Paints and Varnishes ♦ Latex ♦ Water-based ♦ Oil-based	Water-based: ♦ Allow to dry completely. Dispose of in regular trash. Oil/Solvent Based: ♦ Dispose of as hazardous waste. Water Based and Oil Based: ♦ Use leftover material for other projects, i.e., as an undercoat for the next boat. ♦ Encourage tenants to swap unused material.
Pesticide Containers	♦ Must be rinsed – use rinsate as makeup for next batch of pesticide if possible or spray it out through sprayer. Unrinsed containers are either hazardous waste or universal waste.

Pesticides	♦ Use only as product label specifies. If disposed at a collection event or at hazardous waste facility unused pesticides may be a universal waste.
Pressure Washing Residue	♦ Dispose of as solid waste.
Rags Soaked with Hazardous Substances	♦ Use rag service and do not dispose of rags. Wring rags out over a waste solvent collection container and keep in covered container until ready for pickup by an industrial laundry. Dispose of the solvent that collects in the bottom of the container as hazardous waste. ♦ If rag service is not used, perform hazardous waste determination and dispose of as hazardous waste if appropriate.
Residue from Sanding, Scraping, and Blasting	♦ Evaluate this waste and document whether the residue is hazardous (e.g. does not contain metals or toxins). ♦ If it is not hazardous, dispose of as solid waste. ♦ If it contains metals, it is a hazardous waste or special waste and must be disposed of properly. ♦ If it contains tributyl tin it is a pesticide and considered a South Carolina State Hazardous Waste.
Resins – Epoxy and Polyester	♦ Catalyze and dispose of as solid waste as long as it dries hard and has no free liquids and facility is a conditionally exempt generator (CEG) of hazardous waste.
Scrap Metal	♦ Recycle.
Sludge Recovered from a Hazardous Solvent	♦ Dispose of as hazardous waste.
Sludge Recovered from a Non-hazardous Solvent	♦ Let sludge dry in a well-ventilated area, wrap in newspaper, and dispose of in garbage.
Solvents ♦ Paint and engine cleaners such as acetone and methylene chloride	♦ Reuse as long as possible and then recycle. ♦ Consider a distillation unit for recycling solvents. ♦ Use less toxic alternatives to avoid disposal issues. ♦ Dispose of as hazardous waste. DO NOT add to used oil to be burned in space heaters.
Used Bio-remediation Bilge Booms	♦ Discard in regular trash as long as no liquid is dripping. Because the microbes need oxygen to function, do not seal in plastic.

Used Oil Management

What is Used Oil?

Used oil includes used crankcase (engine) oil, used liquid and semi-solid gear, chain, and ball bearing lubricants, and used hydraulic fluid. Materials that contain or are contaminated with used oil can also fall under the definition of used oil, such as used oil filters, oily rags and wipers, used absorbents, and oily wastewater.

Is it Hazardous?

Used oil is not considered hazardous waste unless it is mixed with a hazardous waste such as a chlorinated solvent. If used oil has been mixed with a hazardous waste, see Appendix B for management requirements.

How Should a Marina Manage the Used Oil it Generates?

Note that used crankcase oil, automatic transmission fluid, power steering fluid, and hydraulic fluid are all considered used oil and can be mixed and managed together.

There are a few options for managing used oil. Two of the most common are collecting it, testing it, and having it hauled away for recycling, or collecting it, testing it, and burning it in on-site space heaters. If the used oil tests positive for hazardous constituents, it must be managed as hazardous waste.

If the used oil does not test positive for hazardous waste, it should be managed as follows:

1. Collect and store used oil in a secure collection tank or drum, separate from other wastes.

2. Dispose of the used oil by hauling or burning it:

    - Contract with a permitted waste oil transporter to haul oil to a permitted recycling facility

    OR

    - Burn the used oil in space heaters for energy recovery, i.e., to heat your shop, providing the heater burns only used oil generated on-site or received from "do-it- yourself" oil changers.

        NOTE: Used oil heaters must:
        1. Have a maximum design capacity of not more than 0.5 million BTU's per hour; and
        2. Vent combustion gases outside the building; and
        3. Burn only used oil that you generate or that you have collected from your do-it-yourselfer customers.

What are the Requirements for Used Oil Storage in Tanks or Containers?

- Label the tank or container "Used Oil" [40 CFR 279.22(c); DHECR.61-107.279.22].
- Prepare a Spill Prevention, Control, and Countermeasures (SPCC) Plan if you store more than 1,320 gallons of used (or new) oil above-ground (containers of less than 55 gallons are exempt from the total) [40 CFR 112.1]. See Appendix E for more information.

What are the Recommended Practices for Used Oil Storage in Tanks or Containers?

- Place the tank or container on an impervious base. If the tank or container is outdoors, you must provide for secondary containment equal in volume to the capacity of the storage tank. If the tank or container is indoors, no secondary containment, device, or structure is required.
- Locate the tank or container in an aboveground area, preferably roofed, which will prevent unauthorized access or vandalism and minimize the possibility of fire or explosion and accidental release of oil to the environment.
- Lock the tank or container's fill spout when not in use.
- Visually inspect the tank or container on a regular basis for leaks or malfunctions. Maintain written inspection records.
- Instruct all employees who handle used oil on the proper operation and management of the oil storage area. Assign one person the responsibility for monitoring oil storage.
- Use kitty litter, saw dust, or a commercially available product to absorb oil from minor spills.
- If providing a collection tank or container for used oil from your customers who do their own engine maintenance, clearly label the tanks or containers to indicate the importance that ONLY used oil be placed in the tank. Remember that you'll be responsible to pay for disposal of used oil that is contaminated with hazardous waste.
- Keep records of used oil collection.

If a Marina Accepts Used Oil That Boaters Generate, How Should it be Managed?

Many marinas collect used oil from customers as a client service. Manage this oil in the same way as oil generated by the marina itself.

It may make sense to separate the waste area where you are collecting wastes from boaters from those generated by the marina, since you have more control over the wastes generated by your staff than by your clients. Used oil contaminated with a hazardous substance is much more costly to dispose of than unadulterated used oil. Educate your staff about the importance of keeping used oil from being contaminated with hazardous substances.

If you collect customers' oil, remind boaters NOT to:

- Mix used oil with antifreeze or hazardous waste, i.e. waste gasoline.
- Burn used oil in residential boilers or space heaters.
- Dump used oil overboard.
- Pour used oil into sewers or storm drains.
- Dump used oil on the ground; use it for weed control or to keep dust down.

Can Used Oil Be Mixed with Diesel Fuel, as Recommended by the Manufacturers of Some Diesel Engines?

The manufacturers of certain diesel engines recommend that you add used oil to your diesel fuel. If you have a diesel engine of this type, you may mix your used oil with virgin diesel fuel according to the manufacturer's instructions. However, up until the point that the used oil is actually mixed with the diesel fuel, it must be handled exactly the same as any other used oil.

Please note that this exemption applies only to your used oil and only if it is used in your own diesel engines. You may not add your used oil to diesel fuel that will be used in someone else's diesel engines. You may also not accept used oil from someone else to put into your diesel fuel.

How Should Used Oil Absorbent Material Be Disposed?

Materials that *contain* or are *contaminated with* used oil can also fall under the definition of used oil. The most common of these materials are used oil *absorbent pads*, *rags and wipers*, and *absorbents* (such as kitty litter, speed-i-dri, and absorbent pads).

Marina staff that produce waste oil absorbent material as a result of maintenance of marina-owned or customer's vessels in the marina's maintenance shop, must collect all used oil absorbent material, test for hazardous constituents and transport either as hazardous waste or used oil, depending on the test results. However, if the absorbents do not have free-draining oil and are not going to be burned for energy recovery, they are no longer subject to regulation as used oil. In this case, these soaked absorbents must have a hazardous waste determination and be disposed of as hazardous waste (see Appendix B) or double-bagged and discarded in trash, as appropriate.

Boaters or marina staff doing work on customers' boats dockside can dispose of oil absorbent materials generated while conducting maintenance by bringing the absorbent to a collection area provided by the marina. Boaters can also take their waste oil absorbents to a household hazardous waste collection facility for disposal. If the absorbent does not have free-draining oil and no such collection area is available, boaters may double-bag it and dispose of it in the regular trash.

Are There Any Other Requirements?

On-board air conditioning systems may also generate used oils that are contaminated with refrigerants (such as freon). This type of used oil must be recycled for its freon content. See section on "Refrigerants" for more information.

Spills of used oil (or any other petroleum liquids, chemicals, or hazardous waste) must immediately be reported via the SCDHEC Emergency Response Section at 1-888-481-0125 or 1-800-452-0311 and to the National Response Center at 1-800-424-8802.